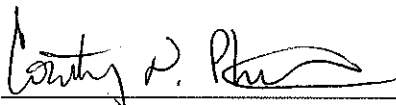


## STATE WARD DEVELOPMENTAL DISABILITY SERVICES ELIGIBILITY PROCEDURE GUIDE

1. The Divisions of Children and Family Services (CFS) and Developmental Disabilities (DD) agree to work cooperatively in making and reviewing DD services eligibility determinations for DHHS state wards.
2. All CFS and DD staff are expected to fully comply with all applicable portions of these procedures.
3. CFS shall require Nebraska Families Collaborative (NFC) staff to comply with these procedures.
4. CFS staff are permitted to submit an application for DD services on behalf of a state ward, whether or not the ward is currently residing in Nebraska. NFC staff are permitted to submit an application for DD services only after obtaining approval from CFS. CFS and NFC staff should involve the state ward's parents whenever possible. CFS and NFC staff will provide DD with contact information for the parent(s) of the state ward and legal parties involved in the juvenile court case.
5. CFS and NFC staff are authorized and expected to promptly provide DD with all information necessary to determine eligibility for DD services at the time of the application, and thereafter upon request. CFS and NFC staff must obtain a court order prior to sharing an OJS evaluation with DD.
6. Prior to denying any state ward DD application, DD will schedule a CFS/DD meeting to discuss the application.
  - The meeting will include the assigned CFS and NFC Team or Representatives and may include DHHS attorneys on behalf of DD or CFS.
  - The meeting will not include external parties other than NFC.
  - During the meeting, DD will present a thorough explanation of its intended decision, and the information on which it was based, to ensure that CFS and NFC have a necessary understanding of the decision to communicate that information to the Court and parties to the juvenile case.
  - DD will accept and thoroughly consider any additional information provided by CFS and NFC prior to making a final eligibility determination.
7. CFS and NFC staff are not authorized to request an Informal Dispute Resolution (IDR) or Administrative Appeal (Appeal) when a state ward is determined ineligible for DD services.

8. CFS and NFC staff are authorized to provide an IDR/Appeal request form to the state ward's parents or Guardian ad Litem upon request. When necessary, CFS and NFC staff may assist with the completion of the IDR/Appeal request form. CFS and NFC staff should not provide advice to anyone regarding an IDR or Appeal, and should clearly communicate that CFS and NFC staff are not permitted to further assist an Appellant with an appeal.
9. Within three days of its decision, DD will mail a copy of the Notice of Decision denying the application for DD services to the following:
  - CFS Children and Family Services Specialist (Non-Eastern Service Area cases)
  - CFS Children and Family Services Supervisor (Non-Eastern Service Area cases)
  - NFC Family Permanency Specialist (Eastern Service Area cases)
  - CFS Children and Family Outcome Monitor (Eastern Service Area cases)
  - The state ward's legal parent or guardian.
  - The Juvenile Court with jurisdiction over the state ward, and all legal parties to the case.
10. Following a state ward DD denial, and upon CFS request, DD will meet with CFS and external parties authorized to receive confidential information. The purpose of the meeting will be for DD to again explain the basis for the denial.
11. In the event that the Juvenile Court enters an order authorizing or directing the state ward's Guardian ad Litem or any other individual to request an IDR or Appeal, CFS and NFC staff will immediately notify DD and Legal Services.

Approved by:



Courtney N. Phillips, MPA  
Chief Executive Officer  
Department of Health and Human Services

Date: 11/4/2015